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BEFORE THE

Federal Communications Commission

OCT 28 1992

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of Amendment of)
Parts 21, 22, 23 and 25 of the)
Commission's Rules to Require)
Reporting of Station Frequency)
and Technical Parameters for)
Registration by the Commission)
with the International Frequency)
Registration Board)

CC Docket No. 92-160

To: The Commission

REPLY COMMENTS OF THE FEDERAL COMMUNICATIONS BAR ASSOCIATION

The Federal Communications Bar Association ("FCBA" or "Association") ^{1/} respectfully submits these Comments for consideration by the Commission pursuant to its Notice of Proposed Rulemaking.^{2/}

^{1/} The Federal Communications Bar Association is a District of Columbia non-profit, non-stock corporation originally founded in 1936 whose chartered purpose is "to promote the proper administration of the federal laws relating to wire and radio communications." Its membership is comprised of more than 1,900 lawyers presently and previously involved in telecommunications law. As with any association, these Comments do not necessarily represent the views of each and every member of the FCBA.

^{2/} In the Matter of Amendment of Parts 21, 22, 23 and 25 of the Commission's Rules to Require Reporting of Station Frequency and Technical Parameters for Registration by the Commission with the International Frequency Registration Board, FCC 92-336, released July 30, 1992.

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INTRODUCTION

By the instant Notice, the Commission proposes to require certain applicants (generally those in border zones, the Caribbean, or the Pacific Islands) in the fixed microwave, Public Mobile, Rural Radio, and Satellite Radio services, among others, to include as part of their applications a computer-readable diskette. The diskettes would contain data on the technical characteristics of the proposed station in a format compatible with that required by the International Frequency Registration Board ("IFRB"). The purpose of the proposed filing requirement is to facilitate Commission efforts to protect U.S. licensees and applicants from foreign interference by ensuring that the agency has an accurate and continuously updatable database of applications, permits and licenses.

As practitioners before the Commission, members of the Association have a valuable perspective on the agency's filing procedures. Association members prepare and file applications with the Commission on a daily basis. Association members' performance of these services for their clients will be affected by decisions made in this proceeding.^{3/}

Moreover, should the Commission proceed further on the path toward automating the application process, the standards adopted in this proceeding may serve as a model for electronic filing

^{3/} Although FCC employees constitute a substantial portion of the FCBA's membership and are represented on the FCBA's Executive Committee, these members did not participate in the preparation of these Comments or in the Executive Committee's consideration of the Comments.

procedures of broader applicability. It is important, therefore, that the criteria utilized in establishing technical standards be such as to accommodate future efforts by the agency to apply computer-based electronic techniques to the filing and processing of applications.

DISCUSSION

At the outset, the Association wishes to express its support for the Commission's effort to enhance the protection it provides U.S. licensees and applicants. Maintenance of an accurate and complete database is essential if the Commission is to respond to IFRB queries regarding U.S. stations, existing or proposed, in a prompt, informed manner. If the Commission should ultimately determine that submission of computer-readable diskettes is important to achieving that goal, the Association would offer the following suggestions:

First. Technical standards for diskette submission should be clear and unambiguous. Appendices attached to the Notice spell out data elements which applicants would be required to supply. However, certain of these elements are less than perfectly clear.

For example, Attachment 2 provides a description of data to be required of Mobile Services Licensees: query whether this Attachment is meant to apply to Mobile Services applicants as well? If so, then a number of the data elements will require clarification or revision, e.g. grant date and call sign, neither

of which are available at the time an application is filed and hence are not applicable to applicants.

Likewise, applicants often find it necessary to amend pending applications, and existing licensees find it necessary to modify previously-licensed facilities. Evolutions such as these usually entail changes in operating parameters; and changes in operating parameters would presumably require updating of the Commission's IFRB database. However, the proposed technical specifications do not appear to include procedures for amendments and modifications. The Commission may wish to require reference by date, file number and/or call sign to any previously-submitted IFRB data which is being changed.

Second. Technical standards for diskette submission should not only be compatible with current office computer technology, but should be sufficiently flexible so as to remain compatible for the foreseeable future. Many association members have installed and utilize personal computers; these practitioners may be called upon to assist in the preparation of IFRB diskettes. The standards adopted in this proceeding should not be such as to render use of such equipment impractical or more difficult.^{4/}

Third. The standards adopted in this proceeding for the submission of IFRB data may well be utilized in the future to include computer-diskette filing of complete applications, including legal qualifications. Here again, compatibility is

^{4/} For example, many practitioners currently utilize Word-perfect software; this may change over time. If so, the rules will hopefully be flexible enough to accommodate whatever new technology is adopted.

key: standards adopted here should be such as to allow easy extension to diskette-submission of entire applications if the Commission should decide to take such a step. In all events, the agency should eschew standards which, if adopted now, could cause complications or problems for practitioners, clients and consultants later.

CONCLUSION

The FCBA urges that any standards for IFRB diskette submission be consistent with the principles stated herein.

Respectfully submitted,

FEDERAL COMMUNICATIONS BAR ASSOCIATION

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October 28, 1992